

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-806-D

THE UNITED STATES OF AMERICA,)
for the use of GRAYBAR ELECTRIC)
COMPANY, INC.,)
)
Plaintiff,)
)
v.)
)
TEAM CONSTRUCTION, LLC,)
JARROD CLINE, individually and d/b/a)
CLINE ELECTRIC, and WESTERN)
SURETY COMPANY,)
)
Defendants.)

ORDER

On January 29, 2016, Team Construction, LLC (“Team Construction”) and Western Surety Company (“Western”) filed a motion for partial summary judgment and summary judgment against Jarrod Cline (“Cline”) [D.E. 37] and a memorandum in support [D.E. 38]. On June 2, 2016, Cline moved for leave to file a response to Team Construction and Western’s motion [D.E. 44].

Effective December 1, 2015, the Eastern District of North Carolina amended Local Civil Rule 56.1. Standing Order 15-SO-3 (E.D.N.C. Nov. 5, 2015). In relevant part, that rule now requires that “[a]ny motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 . . . be supported by a separate statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine dispute.” Local Civil Rule 56.1(a)(1). When opposing a motion for summary judgment, the nonmovant must provide the court with a “separate statement including a response to each numbered paragraph in the moving party’s statement, in correspondingly numbered paragraphs, and if necessary, additional paragraphs containing a statement of additional material facts as to which the opposing party contends there is a genuine dispute.” Id. 56.1(a)(2). “Each numbered paragraph in the moving party’s statement of material

facts will be deemed admitted for purposes of the motion unless it is specifically controverted by a correspondingly numbered paragraph in the opposing statement.” Id.

Team Construction and Western’s motion failed to conform with Local Civil Rule 56.1. The court dismisses without prejudice Team Construction and Western’s pending motion for summary judgment. Both parties shall have until October 3, 2016, to file or refile any motion for summary judgment in conformity with Local Civil Rule 56.1(a). Responses and replies will conform with the Federal Rules of Civil Procedure and the local rules, including deadlines for responses and replies.

In sum, the court DISMISSES WITHOUT PREJUDICE Team Construction and Western’s motion for partial summary judgment and summary judgment [D.E. 37]. Additionally, the court DENIES AS MOOT Cline’s motion for leave to file [D.E. 44].

SO ORDERED. This 20 day of September 2016.



JAMES C. DEVER III
Chief United States District Judge